

EXECUTIVE SESSION MINUTES

2014

**EXECUTIVE SESSION
SELECTMEN'S MEETING
FEBRUARY 18TH, 2014**

Chair Sandra Wilson called the meeting to order at 8:30PM. Members present were Sandra Wilson, Thomas Buckley, Dianna Provencher, Matthew Dennison and Douglas Belanger. Also present was Town Administrator Kevin Mizikar.

MGL Chapter 30A, Section 21(a) 2 – Conduct strategy sessions in preparation for collective bargaining

Mr. Mizikar discussed union negotiations. The dispatchers may ask for a payout upon moving to regional dispatch and can receive unemployment if they don't take the job in Worcester. FY'14 compensation is being pursued and the current agreement expires June 30th. Bob Reed told the dispatchers to wait until the override and it passes they could talk about compensation but it failed so Mr. Belanger asked how to fund it. Mr. Buckley noted the unions have historically asked for retroactive pay but should not again and the world is changing. The FY'15 budget includes 2% increases for all police department employees

A motion was made by Ms. Provencher and seconded by Mr. Dennison to go out of executive session at 9:10pm. The motion carried unanimously.

**EXECUTIVE SESSION
SELECTMEN'S MEETING
APRIL 7, 2014**

Members present were Sandra Wilson, Thomas Buckley, Dianna Provencher and Douglas Belanger. Also present was Town Administrator Kevin Mizikar and Town Counsel Joseph Cove. Selectmen Dennison was on vacation.

The Board went into Executive Session under Mass General Law Chapter 30A, Section 21(a):

Purpose 3 - Litigation - TOL vs Leicester Planning Board & Paul Schold, Trustee of SS Realty Trust

[REDACTED]

[REDACTED]

[REDACTED]

MOTION: Mr. Belanger moved to go out of Executive Session, no public announcements, the Board to return to open session to continue with Agenda. Ms. Provencher seconded.
The Board was polled: ALL AYES

(Atty Cove left the proceedings at this time.)

The Board went back into Open Session at 7:35pm.

The Board returned to Executive Session at 9:17pm.

Purpose 3 – Strategy with respect to collective bargaining

Full-time Dispatchers/Part-time Police Officers contract – He has reached a tentative settlement

- \$800 stipend paid in 2014 – can be covered within FY'14 budget, and even with overtime there is a cost reduction if regional call center opens prior to April 1, 2015
- Other stipends at current rates will be rolled into base wages – Cost \$2650
- 2% wage increase effective July 1, 2014 – included within FY15 Budget
- Any new dispatchers hired will be at a lower rate than all others \$18.50/hour

- Town will not contest unemployment for anyone that does not go to regional call center and is still employed by TOL on date of transition
- Fecteau will retire August 1, 2014 and be paid 45-days of sick leave – cost \$8300
- Town will do its best to maintain 4-full-time dispatchers
- If transition to Worcester regional call center by March 31, 2015 then \$75/FT dispatcher on April 1st, \$150/FT dispatcher on May 1st, and \$175/FT dispatcher on June 1st; cost \$300, \$600, and \$700 respectively.
- Any dispatcher that remains a TOL dispatcher up until the date of transition will be paid up to 12-days of sick leave – cost estimate \$17,900 max
- All future claims will be waived by all unit members

The Board agreed with Mr. Belanger that these negotiations have resulted in a good investment for the Town and a good job was done by Town Administrator Mizikar. They agreed to the terms as discussed. TA will prepare formal contract for acceptance and execution by the Board.

Highway contract – negotiations have resulted in the following thus far:

- 3-year contract through 2017
- Instead of percentage wage increases being issued, a salary table with steps will be devised with a 2% increase between each 2-year step, which may result in adjustments needed in the odd year.
- Light duty offered for return to work from injury
- Certification of license required prior to promotion
- 4-day work week on trial period 5/15/14-9/15/14 with staggered schedules
- Vision and dental made available at cost of employee, but we can deduct from paycheck
- Direct deposit of paychecks required
- Holidays Christmas, New Years, Thanksgiving paid at 2x rate

Police Officers Local 168 – tough with no requests from them on table, only salary increases. He would like to negotiate out the longevity language, earning benefitted time with no sick day used, and selling sick time back to Town.

- 3-yr contract through 2017
- Wages increases 2% 2015, 1¼% in 2016, 1½% in 2017
- Stipend paid for college education

Firefighters – no executed document can be found to formalize FY2011 discussions, but stipends are being paid out according to documentation on file. He cannot make retro any adjustments prior to this fiscal year, but that was their request.

MOTION: Mr. Belanger moved to go out of Executive Session, no public announcement, the Board to return to Open Session for purpose of adjournment. Mr. Buckley seconded. The Board was polled: ALL AYES

The Board went out of Executive Session at 9:57pm.

Respectfully submitted,

Susan LeChasseur,
Administrative Assistant

**EXECUTIVE SESSION
SELECTMEN'S MEETING
APRIL 22, 2014**

Members present were Sandra Wilson, Thomas Buckley, Dianna Provencher and Douglas Belanger. Also present was Town Administrator Kevin Mizikar. Selectmen Dennison was absent due to personal emergency.

The Board went into Executive Session under Mass General Law Chapter 30A, Section 21(a), Mr. Mizikar reporting on the following:

Purpose 3 – strategy with respect to collective bargaining

Highway contract – 1-year contract through June 2014 will provide no wage adjustments.

3-year Contract negotiations 2015-2017 continue:

- 4-day work week on trial basis 5/15/14-9/15/14, which can be amended through November, opening up an opportunity for further negotiations
- Earned time benefitted same as Personnel Bylaw
- Vacation leave carry over capped at 80-hours or 2-weeks; time to be spent down by June 2015.
 - Mr. Belanger suggested this be made over the 3-year life of the contract, so we are not hit with employees taking off a month's time
- Super holidays, if worked, will be paid at 2x rate: Thanksgiving, Christmas & New Years
- Clothing allowance will be raised from current \$300 to \$375 in 2015 and \$475 in 2016; reflective material will need to be worn going forward
- Licenses will be required prior to any promotions; any new licenses will require training and obtaining license, which the Town reimburses for
 - Mr. Buckley cautioned that we not payout without proof of passing such tests
- Dental insurance offered, fully paid by employee, but Town will make payroll deductions
- Step-system wages with 2% increments every 24-months; possible 1.75% increase in 2015, while 2016 they should move up to next step.
- Direct deposit of payroll required

Police Officers – this is his most difficult bargaining unit; he has heard that the Union had taken a vote but he has no information at this time. They have nothing but wages for requests thus far.

Firefighters – negotiations continue

Dispatchers – waivers are being drafted by Labor Counsel. Lori Facteau will be paid for 45-sick days upon retirement August 1st.

Purpose 3 – to discuss strategy with respect to litigation Lombardozi vs TOL & HRD

Chief Hurley will prepare letter for attorney noting the urgency to move on HRD issue, as the department is facing serious staffing issues, calling in State Police way too often of late.

Purpose 2 – to conduct strategy in preparation for contract negotiations for nonunion personnel

In comparison to peers in area, Highway Superintendent is vastly underpaid. We are able to pay bonus or stipend to Thomas Wood out of the Snow & Ice Budget. We saw a 30% savings in snow removal contracting costs, as they were used less by the Supt. We would have to amend current contract to allow \$5250 one-time payment for outstanding service to Town. Mr. Belanger asked that we not use the word "bonus" but instead a like term that is more understated. The Board agreed to proposal and supported this payment, to be voted in Open Session.

Purpose 6 – to consider purchase, exchange, lease or value of real property

Mr. Mizikar reported to the Board that he met with a representative of Cumberland Farms, who would like to donate to the Town a portion of their property in the center, the former Exxon site at Routes 9/56. He explained that they intend to split the parcel, keep an egress and enough land for several parking spaces for employees and want to donate the remaining land. This will need town meeting approval, which we can plan for at the next Special, most likely in the fall.

Concerns were expressed over whether gasoline tanks had been removed from the property, and if a 21E site inspection had been done. Mr. Mizikar noted that we haven't yet found anything on file regarding soil testing, but Fire Department maintains records for tank removals. He will check with DEP on the 21E issue, the reporting entity in these matters.

MOTION: Mr. Belanger moved to go out of Exec Session, to return to Open Session for public announcement and adjournment. Ms. Provencher seconded.
The Board was polled: ALL AYES

The Board went out of Executive Session at 8:05pm.

Respectfully submitted,

Susan LeChasseur, Administrative Assistant

**EXECUTIVE SESSION
BOARD OF SELECTMEN MEETING
MAY 5, 2014**

Chair Sandra Wilson, Vice-Chair Thomas Buckley, Second Vice-Chair Dianna Provencher, Selectman Dennison, Selectman Douglas Belanger and Town Administrator Kevin Mizikar were in attendance.

The Board went into Executive Session under Mass General Law Chapter 30A, Section 21(a), Purpose #3 to discuss strategy with respect to collective bargaining with union personnel and to approve minutes from previous Executive Sessions.

Purpose #3 - To discuss strategy with respect to collective bargaining with union personnel

Mr. Mizikar discussed the status of Fire Department contract negotiations. The new contract will not be retroactive and the current contract will hold through June 30, 2015. The new contract will be a three year contract. Increases are proposed for the Captain and Lieutenant at a cost of \$75 for the first year and \$25 for each additional year given their responsibility for the station. The new contract increases the number of stipends to up to two on July 1, 2015 and up to three on July 1, 2016; however, stipends are not likely to continue increasing as such each year. No personnel related costs have increased for the Fire Department. Firefighters will receive quarterly pay instead of semi-annual pay. The unions has requested that an warrant article be placed on the next Town Meeting to adopt Chapter 32 Section 85H1/2: If retired due to a permanent disability resulting from an injury in the line of due, firefighters will receive an annuity totaling 2/3rd of a first year full time firefighter salary based on an average of three communities bordering on Leicester. The Town pays \$3,000 per year under the current contract.

Mr. Belanger asked if there are any surrounding communities with on call firefighters which could be used in the comparison. He also asked if the Town could purchase an insurance policy for the annuity as a way to limit its exposure. Mr. Mizikar responded that three communities with full time firefighters will be used to determine the average annuity. Mr. Mizikar will look into an insurance policy for the annuity. Mr. Belanger pointed out that if the Town has to use Worcester or even Auburn or Oxford in the comparison, the average salary will be high and asked if the Town can negotiate which three towns are used to determine the annuity amount. Mr. Buckley pointed out the firefighters will understandably want to use the three highest paying communities. Mr. Mizikar noted that this annuity change must be approved via town meeting.

Mr. Mizikar stated that the total estimated cost increase of the contract over three years is \$14,000.

Executive Session Minutes

A motion was made by Ms. Provencher and seconded by Mr. Buckley to accept the executive committee minutes from April 7th and 22nd, 2014. The Board was polled and the motion carried; however, Mr. Dennison abstained.

MOTION: Mr. Belanger moved to go out of Executive Session and to return to Open Session for adjournment. Ms. Provencher seconded. The motion passed unanimously.

The Board went out of Executive Session at 8:25pm.

**EXECUTIVE SESSION
BOARD OF SELECTMEN MEETING
JUNE 2, 2014**

Chair Sandra Wilson, Vice-Chair Thomas Buckley, Second Vice-Chair Dianna Provencher, Selectman Matthew Dennison, Selectman Douglas Belanger and Town Administrator Kevin Mizikar were in attendance.

The Board went into Executive Session at 7:24pm under Mass General Law Chapter 30A, Section 21(a), Purpose #2 in order to conduct strategy sessions in preparation for negotiations with Firefighter and Police Patrol Officers union personnel, approve the Executive Session minutes of May 19th, 2014 and to reconvene the Board in Open Session only for the purpose of adjournment.

Executive Session Minutes

A motion was made by Ms. Provencher and seconded by Mr. Dennison to accept the Executive Session minutes of May 19th, 2014.

Vote by Roll Call:

Wilson – Aye
Buckley – Aye
Provencher – Aye
Dennison – Aye
Belanger – Aye

The motion passed unanimously.

Purpose #2 – Conduct strategy sessions in preparation for negotiations with union personnel

Mr. Mizikar discussed the status of contract negotiations with Police Patrol Officers and Firefighter unions. Potential rates of salary increases and incentives were discussed.

A motion was made by Ms. Provencher and seconded by Mr. Dennison to go out of Executive Session at and return to Open Session for adjournment at 7:56pm.

Vote by Roll Call:

Wilson – Aye
Buckley – Aye
Provencher – Aye
Dennison – Aye
Belanger – Aye

The motion passed unanimously.

**EXECUTIVE SESSION
BOARD OF SELECTMEN MEETING
JUNE 16, 2014**

Chair Thomas E. Buckley, III, Vice-Chair Dianna Provencher, 2nd Vice-Chair Matthew Dennison, Selectman Douglas Belanger, Selectwoman Sandra Wilson and Town Administrator Kevin Mizikar were in attendance.

The Board went into Executive Session at 7:31pm under Mass General Law Chapter 30A, Section 21(a), Purpose #3 in order to conduct strategy sessions in preparation for negotiations with Firefighter and Police Patrol Officers union personnel, approve the Executive Session minutes of June 2, 2014 and to reconvene in Open Session only for the purpose of adjournment.

Executive Session Minutes

A motion was made by Mr. Belanger and seconded by Mr. Buckley to accept the Executive Session minutes of June 2, 2014.

Vote by Roll Call:

Wilson – Aye
Buckley – Aye
Dennison – Aye
Belanger – Aye
Provencher - Abstain

The motion passed unanimously.

Purpose #3 – Conduct strategy sessions in preparation for negotiations with union personnel

Mr. Mizikar discussed the status of contract negotiations with Police Patrol Officers and Firefighter unions. Potential rates of salary increases and incentives were discussed. The contracts should be finalized and brought forward to the Board of Selectmen at their next meeting for review and approval.

A motion was made by Mr. Belanger and seconded by Mr. Buckley to go out of Executive Session at and to return to Open Session for adjournment at 7:49pm.

Vote by Roll Call:

Wilson – Aye
Buckley – Aye
Dennison – Aye
Belanger – Aye
Provencher - Abstain

The motion passed unanimously.

**EXECUTIVE SESSION
BOARD OF SELECTMEN MEETING
AUGUST 11, 2014**

Chair Thomas E. Buckley, III, Vice-Chair Dianna Provencher, 2nd Vice-Chair Matthew Dennison, Selectman Douglas Belanger, Selectwoman Sandra Wilson, Town Administrator Kevin Mizikar and Town Counsel Joseph Cove were in attendance.

The Board went into Executive Session at 8:43pm under Mass General Law Chapter 30A, Section 21(a), Exception #3, to discuss strategy with respect to litigation, Exception #3, to conduct a strategy session in preparation for negotiations with nonunion personnel and under Exception #6, to consider the purchase, exchange, lease or value of real property.

Purpose #3 – Discuss strategy with respect to litigation

[REDACTED] The court ruled to annul the Planning Board's decision to grant an ANR for 14 buildable lots on Parker Street. The court will now determine whether or not Parker Street is a public way. [REDACTED]
[REDACTED] A motion was made by Mr. Belanger and seconded by Ms. Provencher to [REDACTED]

Vote by Roll Call:

Wilson – Aye
Buckley – Aye
Dennison – Aye
Belanger – Aye
Provencher – Aye

The motion carried unanimously.

[REDACTED] A motion was made by Mr. Belanger and seconded by Ms. Provencher to [REDACTED]
[REDACTED]

Vote by Roll Call:

Wilson – Aye
Buckley – Aye
Dennison – Aye
Belanger – Aye
Provencher – Aye

The motion carried unanimously.

Purpose #3 – Conduct a strategy session in preparation for negotiations with nonunion personnel

Mr. Mizikar discussed the status of department head contract renewals and a potential mutual aid agreement with the Town of Spencer.

Purpose #6 – Consider the purchase, exchange, lease or value of real property

The tenants of Hillcrest Country Club made capital improvements to the property without obtaining advanced written approval from the Town. A cease and desist order was issued. The tenants are seeking to take these costs off of their rent. The project has been rebid as the initial bid prices were exorbitant and needs to be completed. Discussions regarding this issue will continue.

A motion was made by Mr. Dennison and seconded by Ms. Provencher to go out of executive session and back into open session at 9:40pm.

Vote by Roll Call:

Wilson – Aye

Buckley – Aye

Dennison – Aye

Belanger – Aye

Provencher - Aye

The motion carried unanimously.

**EXECUTIVE SESSION
BOARD OF SELECTMEN MEETING
SEPTEMBER 22, 2014**

Chair Thomas E. Buckley, III, Vice-Chair Dianna Provencher, 2nd Vice-Chair Matthew Dennison, Selectman Douglas Belanger, Selectwoman Sandra Wilson and Town Administrator Kevin Mizikar.

The Board went into Executive Session at 9:45pm under Mass General Law Chapter 30A, Section 21(a), Exception #3 to discuss strategy with respect to collective bargaining for Police Sergeants and to approve Executive Session minutes.

A motion was made by Ms. Provencher and seconded by Mr. Dennison to approve the minutes of June 16th, 2014 with the following change:

- List Mr. Dennison as 2nd Vice-Chair

Vote by Roll Call:

Wilson – Aye
Buckley – Aye
Dennison – Aye
Belanger – Aye
Provencher – Aye

The motion carried unanimously

A motion was made by Ms. Provencher and seconded by Ms. Wilson to approve the minutes of August 11th, 2014 with the following change:

- List Mr. Dennison as 2nd Vice-Chair

Vote by Roll Call:

Wilson – Aye
Buckley – Aye
Dennison – Aye
Belanger – Aye
Provencher – Aye

The motion carried unanimously.

Purpose #3 – Discuss strategy with respect to collective bargaining with Police Sergeants

Mr. Mizikar provided an update on negotiations with the Police Sergeants. The MOAs are shaping up to basically the same as the existing contract except for a new stipend and other minor changes. Mr. Mizikar intends to bring the MOAs to the Board for their review and approval at the next meeting.

A motion was made by Mr. Belanger and seconded by Mr. Dennison to go out of executive session and back into open session at 10:00pm.

Vote by Roll Call:

Wilson – Aye

Buckley – Aye
Dennison – Aye
Belanger – Aye
Provencher - Aye

The motion carried unanimously.

**EXECUTIVE SESSION #2
BOARD OF SELECTMEN MEETING
OCTOBER 6, 2014**

Chair Thomas E. Buckley, III, Vice-Chair Dianna Provencher, 2nd Vice-Chair Matthew Dennison, Selectman Douglas Belanger, Selectwoman Sandra Wilson and Town Administrator Kevin Mizikar were in attendance.

The Board went into Executive Session at 9:42pm under Mass General Law Chapter 30A, Section 21(a), Exception #2, negotiations with nonunion personnel and to consider approval of executive session minutes from September 22, 2014.

A motion was made by Mr. Belanger and seconded by Ms. Provencher to approve the executive session minutes from September 22, 2014.

Vote by Roll Call:

Buckley – Aye
Provencher – Aye
Dennison – Aye
Belanger – Aye
Wilson – Aye

The motion carried unanimously.

Exception #2 – Negotiations with nonunion personnel

The Board discussed the performance of the Town Administrator during the first year of his contract using the agreed upon performance evaluation tool. The consensus of the Board was that the Town Administrator met or exceeded all goals. A full report will be provided in open session at the next Board meeting on October 20, 2014.

A motion was made by Mr. Belanger and seconded by Ms. Provencher to go out of executive session and resume in open session at 9:58pm.

Vote by Roll Call:

Buckley – Aye
Provencher – Aye
Dennison – Aye
Belanger – Aye
Wilson – Aye

The motion carried unanimously.

**EXECUTIVE SESSION
BOARD OF SELECTMEN MEETING
NOVEMBER 3, 2014**

Chair Thomas E. Buckley, III, Vice-Chair Dianna Provencher, 2nd Vice-Chair Matthew Dennison, Selectman Douglas Belanger, Selectwoman Sandra Wilson and Town Administrator Kevin Mizikar were in attendance.

The Board went into Executive Session at 8:45pm under Mass General Law Chapter 30A, Section 21(a), Exception #2, negotiations with nonunion personnel and to consider approval of executive session minutes from October 20, 2014, Sessions 1 and 2.

A motion was made by Mr. Dennison and seconded by Ms. Provencher to approve the executive session minutes from October 20, 2014, Session 1 with the following change:

- Mr. Belanger stated these issues go back to the previous Town Administrator

Vote by Roll Call:

Buckley – Aye
Provencher - Aye
Dennison – Aye
Belanger – Aye
Wilson – Aye

The motion carried unanimously.

A motion was made by Ms. Wilson and seconded by Mr. Dennison to approve the executive session minutes from October 20, 2014, Session 2.

Vote by Roll Call:

Buckley – Aye
Provencher - Aye
Dennison – Aye
Belanger – Aye
Wilson – Aye

The motion carried unanimously.

Exception #2 – Negotiations with nonunion personnel

The Board discussed strategy relative to the Animal Control Officer contract including health insurance and salary structure.

A motion was made by Mr. Belanger and seconded by Ms. Provencher to go out of executive session and resume in open session at 9:01pm.

Vote by Roll Call:

Buckley – Aye
Provencher - Aye

Dennison – Aye

Belanger – Aye

Wilson – Aye

The motion carried unanimously.

**EXECUTIVE SESSION
BOARD OF SELECTMEN MEETING
NOVEMBER 24, 2014**

The Board went into Executive Session at 7:02pm under Mass General Law Chapter 30A, Section 21(a), Exception #2 to discuss negotiations with nonunion personnel.

Chair Thomas E. Buckley, III, Vice-Chair Dianna Provencher, 2nd Vice-Chair Matthew Dennison, Selectwoman Sandra Wilson and Town Administrator Kevin Mizikar were in attendance.

Exception #2 – Discuss strategy with respect to negotiations with nonunion personnel

Mr. Mizikar discussed a strategy to negotiate an agreement with Amy Perkins as Interim Treasurer/Collector for a period of six months with a formal review after 3 months. The potential agreement would need to include mutually agreed upon goals just like any other department head. Terms would be established for Ms. Perkins to be able to return to her former position at the Town's or her option. A stipend of \$1,100/month stipend instead of the current \$100/week stipend received for serving as Temporary Treasurer. Mr. Mizikar reviewed the financials and there is sufficient funding to cover these proposed changes.

A motion was made by Ms. Wilson and seconded by Ms. Provencher to go out of executive session and back into open session at 7:20pm.

Vote by Roll Call:

Wilson – Aye
Buckley – Aye
Dennison – Aye
Provencher - Aye

The motion carried unanimously.

**EXECUTIVE SESSION
BOARD OF SELECTMEN MEETING
DECEMBER 15, 2014**

The Board went into Executive Session at 7:45pm under Mass General Law Chapter 30A, Section 21(a), Exception #3, to discuss strategy with respect to litigation and Exception #6, to consider the purchase, exchange, lease or value of real property.

Chair Thomas E. Buckley, III, Vice-Chair Dianna Provencher, 2nd Vice-Chair Matthew Dennison, Selectmen Douglas Belanger, Selectwoman Sandra Wilson and Town Administrator Kevin Mizikar were in attendance.

Exception #3 – Discuss strategy with respect to litigation

Mr. Mizikar discussed a property off of River Street that the Town sold at public auction in 2004. The current owner, Pat Dykas, has contacted an attorney who states that the deed restrictions on the property required Board authorization. As this property was in tax title foreclosure, the Treasurer/Tax Collector at the time, Janet Pierce, had custodial authority to sell the property but there is no clear Board vote on the new deed restrictions which were not on the previous title. The Board recommended the Town Administrator refer this item to Town Counsel.

Exception #6 – Consider the purchase, exchange, lease or value of real property

Mr. Mizikar discussed the purchase of a vacant lot on Paxton Street in front of the Town Hall Parking lot. Becker College is willing to sell this parcel to the Town for \$1 to build a new fire station contingent upon the Town providing the right of first refusal on the Town Hall to Becker should the Town ever decide to sell it. The Board recommended the agreement be for general municipal use, not specific to a fire station.

Mr. Mizikar provided an update on the Parker Street law suit and the agreement being negotiated between the Town and Mr. Schold to allow the development to move forward.

Executive Session Minutes

A motion was made by Mr. Dennison and seconded by Ms. Provencher to approve the executive session minutes of November 3, 2014 and November 24, 2014. The motion carried with Mr. Belanger abstaining from approving the November 24, 2014 minutes due to absence.

Vote by Roll Call:

Buckley – Aye
Provencher - Aye
Dennison – Aye
Belanger - Aye
Wilson – Aye

The motion carried unanimously.

A motion was made by Ms. Wilson and seconded by Ms. Provencher to go out of executive session and back into open session at 8:04pm.

Vote by Roll Call:

Buckley – Aye

Provencher - Aye

Dennison – Aye

Belanger - Aye

Wilson – Aye

The motion carried unanimously.